



*Department of Planning, Building and Code Enforcement*

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE  
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION  
CITY OF SAN JOSÉ, CALIFORNIA**

***Project File Number, Description, and Location***

**CP00-03-009.** Conditional Use Permit for an asphalt/concrete crushing and recycling facility in the HI Heavy Industrial Zoning District on a 1.7-gross-acre site, located approximately 550 Feet northerly of Commercial street and 1000 feet westerly of Berryessa Road (11711 Berryessa Road) (Graniterock Company, Owner/Developer). Council District 04.

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

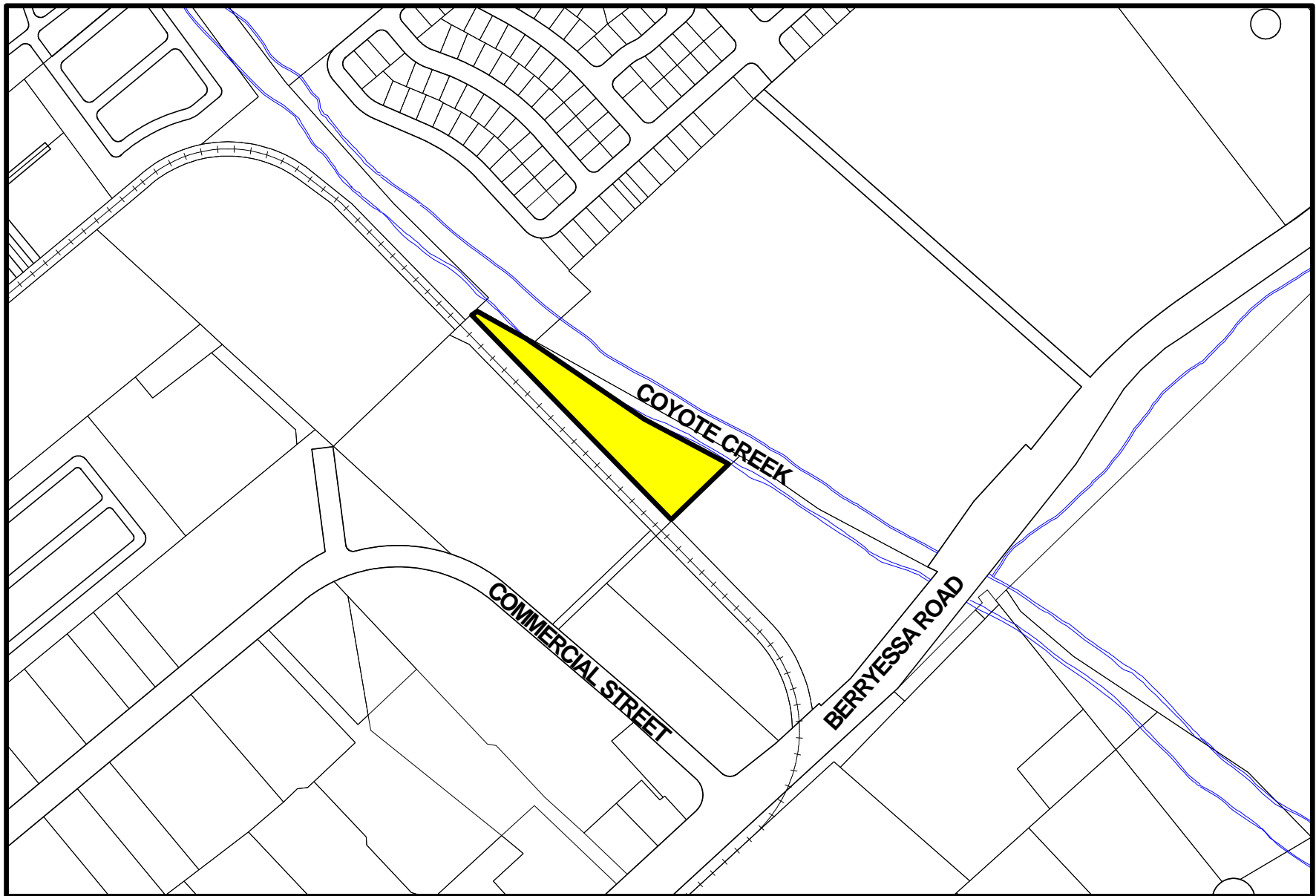
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **August 27, 2003** and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **July 29, 2003** and ends on **August 27, 2003**.

A public hearing on the project described above is tentatively scheduled for **August 27, 2003 at 6:00 PM** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Joyce Ellington Branch Library, 491 East Empire Street, San Jose, and online at [www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm](http://www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm). Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Jenny Nusbaum** at (408) 277-4576.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: July 29, 2003

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Deputy



Scale: 1"=400'

**File No: CP00-03-009**

**District: 04**

**Quad No: 67**

**DRAFT  
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** Graniterock Road Materials Recycling Plant, Berryessa Road, San Jose

**PROJECT FILE NUMBER:** CP00-03-009

**PROJECT DESCRIPTION:** Conditional Use Permit to allow a paving recycling facility on 1.7 acres and construction of an outfall structure into Coyote Creek. The facility will receive used asphalt and concrete paving and other demolition debris and crush the used material to make construction quality aggregate base rock for reuse in road construction. An easement over a portion of an adjoining one-acre parcel owned by the San Jose Water Company will be used for storage and movement of materials.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** 550 feet northerly of Commercial Street and 1,000 feet westerly of Berryessa Road (11711 Berryessa Road) 241-05-014

**COUNCIL DISTRICT:** 4

**NAME OF APPLICANT:** Graniterock Company, Attn: Ben Licari

**MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:**

P.O. Box 50001, Watsonville, CA 95077

Phone No. 831.768.2106

**FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

**MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

1. **Air Quality.** The following measures shall be implemented as permit conditions:

- a. Graniterock will employ good Best Management Practices for dust control on site.
  - b. The diesel generator will meet current BAAQMD emissions standards. This will be documented by the equipment Permit to Operate.
  - c. The diesel particulate exposure and associated health risk will be mitigated by limiting generator operations to 390 hours per year. The generator will be equipped with a tamper-proof, non-resettable hour meter.
  - d. If the Plant will be operated more than 390 hours in a 12-month period, Graniterock will supply electrical power from the utility grid.
2. **Biological Resources Impacts.** The following measures shall be implemented as permit conditions:
- a. **Ensure No Impediments to Migration.** The outfall structure and its associated bank armoring will be placed outside of the streambed of Coyote Creek to avoid impediments to migration for salmonids. Rip rap will be used for bank slope protection. Consultation with the NMFS on all outfall structure designs and associated bank armoring will be necessary.
  - b. **Avoid Impacts to Shaded Riverine Aquatic (SHA) Habitat.** The outfall structure will be positioned in a location within the Coyote Creek riparian corridor that avoids impacts to SRA habitat. To ensure the avoidance of SRA habitat during outfall construction, the final location for the outfall structure will be determined in consultation with a qualified biologist. Although no SRA habitat or riparian vegetation will be disturbed by outfall construction, a CDFG Streambed Alteration Agreement will likely be required for outfall construction.
  - c. **Avoid Construction Within or Along the Channel During the Wet Season.** Construction within or along the channel should be restricted to the dry season (June 1 —September 30), the period in which there is minimal water in the channel and in which movement of steelhead and Chinook salmon within the project area is expected to be minimal. Chinook salmon redds downstream from the site should not be impacted, directly or indirectly, *if* construction occurs during this time. Furthermore, impacts to the movement of anadromous fishes through the project area should be minimal during this time.
  - d. **Maintain Connectivity of the Stream Channel During Construction.** Because it is possible that juveniles could be moving downstream during any time of the year, including the dry season, measures should be taken to ensure that movement of these species is not prevented by any water diversion structures used during construction, regardless of when construction occurs. Water should be diverted through the site by way of an open ditch (rather than a pipe) connecting portions of Coyote Creek immediately upstream and downstream of the site. The plastic-lined ditch should be lined with cobble-sized stones to deter predation by making the salmonids less conspicuous as they pass through the channel. Water within this ditch should be at least 12 inches deep, and no impediments to movement, such as high drop structures, should be present.
  - e. **Minimize Impacts to Water Quality.** Measures to prevent or minimize a reduction in water quality during the outfall structure construction are also necessary. If construction occurs during the period June 1 — September 30, minor sedimentation of the stream resulting from construction activities is not expected to impact steelhead or salmon redds downstream, as redds are not active during this period. Small amounts of sediment that accumulate in gravelly spawning areas will likely be flushed when flows increase after rainfall the following late fall and winter, and therefore no permanent impacts to downstream spawning habitat are anticipated. In addition, if the mitigation measures listed above under *Degradation of Water Quality During Construction*

are implemented, water quality related impacts to steelhead and Chinook salmon should be reduced to less-than-significant levels.

3. **Hydrology and Water Quality Impacts.** The following measures shall be implemented as permit conditions.
  - a. **Best Management Practices.** The project applicant will conform with Best Management Practices (BMPs) as described under Section 7-1.01G 'Water Pollution' (Caltrans 1992).
  - b. **Mitigation for Aquatic Species.** Implementation of the mitigation measures described below will reduce potential impacts to aquatic species. The following recommendations by the CDFG must be followed regardless if the watercourse on site is dewatered or not in order to comply with proper mitigation measures:
    - 1) **Avoidance.** No equipment will be operated in the live stream channel.
    - 2) **Stream Diversion.** When work in a flowing stream is unavoidable, any streamflow shall be diverted around the work area by a barrier, temporary culvert or a new channel capable of permitting upstream and downstream fish movement.
    - 3) **Barrier or Channel Construction.** Construction of the barrier or the new channel shall normally begin in the downstream area and continue in an upstream direction and the flow shall be diverted only when construction of the diversion is completed.
    - 4) **Sediment Control.** No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State.

If these measures are implemented, then potentially adverse effects upon water quality will be reduced to a less-than-significant level. If these measures fail, however, the project applicant is to consult with local representatives of the CDFG and USFWS to develop contingency mitigation measures.
  - c. **Flood.** Floodway impact will be mitigated by requiring Graniterock to prepare the site, and to use the winter flood season (October 15 to April 15) storage configuration as recommended by Schaaf & Wheeler, Consulting Civil Engineers, June 5, 2003.
4. **Noise.** The following measures will reduce the potential for noise impact on the residential area to insignificance. Equipment will still be audible, particularly the back-up alarm beeper, but the overall CNEL and any hourly Leq will increase less than 3 dB.
  - a. The generator and crusher will be a model that produces a noise level of 60 dBA one hour Leq or less at a distance of 100 feet.
  - b. The hours of operation will be limited to reduce impact on residential areas.

Crusher operations: 7 a.m. to 5 p.m. Monday through Saturday.

Raw material drop-off: 6 a.m. to 8 p.m. Monday through Saturday.

Processed material load-out: 6 a.m. to 8 p.m. Monday through Saturday.

No operation on Sunday.

- c. The crusher operation area will have a sound barrier installed at all times the crusher is located on-site.

## PROTEST OF A MITIGATED NEGATIVE DECLARATION

Any person may file a written protest of the draft Mitigated Negative Declaration before 5:00 p.m. on **August 27, 2003**. Such protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San José, Room 400, with payment of a \$50 filing fee. The written protest should make a “fair argument” that the project will have one or more significant effects on the environment based on substantial evidence. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the draft Mitigated Negative Declaration to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP, Director  
Planning, Building and Code Enforcement

Circulated on: July 29, 2003

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Deputy

Adopted on: \_\_\_\_\_

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Deputy

## PUBLIC HEARING NOTICE

The Planning Commission of the City of San José will consider a **Conditional Use Permit** at a public hearing in accordance with Title 20 of the San José Municipal Code on:

**Wednesday August 27, 2003**  
**6:00 p.m.**  
**City Council Chambers, Room 205**  
**City Hall**  
**801 North First Street**  
**San Jose, CA 95110**

The project being considered is:

**CP00-009. Conditional Use permit for an asphalt/concrete crushing and recycling facility in the HI Heavy Industrial Zoning District, located at approximately 550 Feet northerly of Commercial street and 1000 feet westerly of Berryessa Road (11711 Berryessa Road) on a 1.7-gross-acre site (Graniterock Company, Owner/Developer). Council District 04. SNI: None. CEQA: Mitigated Negative Declaration.**

Reports, drawings, and documents for this project are on file and available for review, and a permit with recommendations will be available for your review during the week of the public hearing from **9:00 a.m. to 5:00 p.m.**, Monday, Wednesday, Fridays, and from **10:00 a.m. to 5:00 p.m.** Tuesday and Thursdays at:

Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, CA 95110  
(408) 277-4576  
[www.ci.san-jose.ca.us/planning/sjplan/](http://www.ci.san-jose.ca.us/planning/sjplan/)

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this meeting, please call (408) 277-4576 (Voice) at least 48 hours before the meeting. The decision of the Planning Commission may be appealed in accordance with the requirements of the San José Municipal Code. Instructions for filing a permit appeal are available from the Department of Planning, Building and Code Enforcement.

*\* If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Jenny Nusbaum**, at the e-mail address: [jenny.nusbaum@ci.sj.ca.us](mailto:jenny.nusbaum@ci.sj.ca.us) in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.



Joseph Horwedel,  
Deputy Director, Plan Implementation Division  
Dated: **July 25, 2003**